

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

BRETT C. TITTLE,

Plaintiff

VS.

BOBBY FLOYD, *et al.*,

Defendants

**NO. 5: 04-CV-288 (WDO)**

**PROCEEDINGS UNDER 42 U.S.C. § 1983  
BEFORE THE U.S. MAGISTRATE JUDGE**

**RECOMMENDATION OF DISMISSAL**

On March 7, 2005, defendants in the above-captioned case filed a Motion To Dismiss plaintiff's complaint for failure to state a claim. Tab #13. Thereafter, on March 19, 2005, the undersigned advised plaintiff of said motion and his duty to respond properly thereto. Plaintiff was further advised that failure to respond within twenty (20) days would result in a recommendation of dismissal. Tab #14. The plaintiff has failed to file a response to the defendants' motion. Therefore, the undersigned finds that the plaintiff has willfully refused to comply with the court's order.

Accordingly, IT IS RECOMMENDED that the defendants' Motion To Dismiss (Tab #13) be **GRANTED** as UNCONTESTED. Pursuant to 28 U.S.C. §636(b)(1) the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom the case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof.

The Clerk is directed to serve the plaintiff with a copy of this order by mailing it to him at the LAST ADDRESS provided by him.

SO RECOMMENDED, this 26<sup>th</sup> day of AUGUST, 2005.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." with a stylized flourish at the end.

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE